

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

AUG 20 2009

CAROLYN DEMUTH,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

CASE NO. 3:08CV00057

REPORT AND RECOMMENDATION

By: B. Waugh Crigler
U. S. Magistrate Judge

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

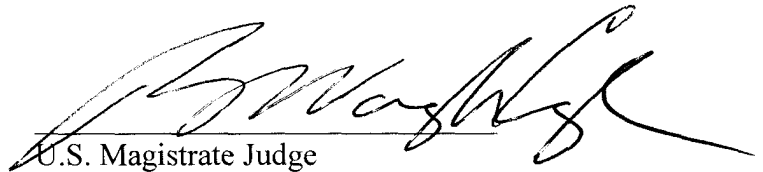
On August 19, 2009, the Commissioner filed a motion to remand for the purpose of obtaining further treating source and other medical evidence in the case. Plaintiff's counsel verbally advised the undersigned on August 20, 2009 that there is no objection to the motion.

Accordingly, it is RECOMMENDED that a final Order enter GRANTING the Commissioner's motion to remand, REMANDING the case under sentence four of 42 U.S.C. § 405 (g) for further proceedings consistent with the Commissioner's request, and DISMISSING this action from the docket of the court.

The Clerk is directed to immediately transmit the record in this case to the presiding United States District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual

recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


U.S. Magistrate Judge

8/20/09
Date